

felony conviction at the time he illegally possessed the firearm as charged in the indictment.¹ The Court finds that Defendant's argument is without merit. The Supreme Court has held that a defect in an indictment has no effect on a district court's subject-matter jurisdiction over the indicted offense. *United States v. Cotton*, 535 U.S. 625, 629 (2002) (overruling *Ex parte Bain*, 121 U.S. 1 (1887)). Therefore, Defendant's Motion for Immediate Dismissal is **DENIED**.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: July 29, 2019

¹ The Court would note that in the course of his trial, Defendant stipulated to the fact that he had a prior felony conviction, and the Court instructed the jury that this fact was therefore proven beyond a reasonable doubt. *See* Jury Instructions 24 (ECF No. 216).